

### **REMARKS**

This is a full and timely response to the Office Action mailed April 11, 2007, submitted concurrently with a one month extension of time to extend the due date for response to August 13, 2007.

Claim 1 has been amended to put the claim in better form under U.S. practice and to address the Examiner's concerns under 35 U.S.C. §112, second paragraph,. Further, claims 20 and 21 have been added to further protect specific embodiments of the present invention. Support for the claim amendments and new claims can be found throughout the specification and the original claims, see, in particular, paragraphs [0056] and [0060] of the specification. Thus, no new matter has been added, and claims 1-21 are currently pending in this application.

In view of this response, Applicants believe that all pending claims are in condition for allowance. Reexamination and reconsideration in light of the above amendments and the following remarks is respectfully requested.

#### **Rejection under 35 U.S.C. §112**

Claims 1-19 are rejected under 35 U.S.C. §112, second paragraph, for alleged indefiniteness. Applicant respectfully traverses this rejection.

However, in the interest of expediting the prosecution of the present application, Applicant has amended the claims to more particularly define the structure of the pore portions to distinguish from the structure of the open foam pores at the surface of foam sheet. More specifically, Applicants have effected the following amendments to claim 1.

*1. (Currently Amended) A foam sheet for a car interior member, comprising a modified polyphenylene ether-based resin foam sheet having an open cell ratio of 50% or more as a whole,  
wherein the modified polyphenylene ether-based resin foam sheet comprises (1) a foamed layer and (2) having pore portions formed in a single face thereof of said foam sheet so as to be open to the in said face thereof,  
wherein the foam layer comprises an open cell layer having an open cell ratio of 70% or more, and  
wherein the pore portions are specifically shaped and have a depth to induce the vibration energy of sounds into the open cells of the open cell layer of the foam sheet.*

Accordingly, from these claim amendments, it is clear that the pores of the "pore portions" are distinct from the pores of the foam sheet.

Thus, in view of the amendments to the claims, withdrawal of this rejection is respectfully requested.

### **Rejections under 35 U.S.C. §102 and §103**

Claims 1, 5, 11, 18 and 19 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Bopp et al. (U.S. Patent No. 5,145,877). Further, claims 1, 2, 4-7 and 17-19 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Vonken et al. (U.S. Patent No. 5,618,853). Still further, claims 8-13 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable by Vonken et al., either alone or in combination with WO 02/22723 or Joppen et al. (U.S. Patent No. 6,103,163). In addition, claims 1, 2, 4-8, 11-13 and 17-19 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by WO 02/22723. Lastly, claims 3, 9, 10 and 14-16 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable by WO 02/22723, either alone or in combination with Sugahara et al. (U.S. Patent No. 6,042,765) or Joppen et al. (U.S. Patent No. 6,103,163). Applicant respectfully traverses these rejections.

To constitute anticipation of the claimed invention under U.S. practice, the prior art reference must literally or inherently teach each and every limitation of the claims. Further, to establish a *prima facie* case of obviousness, the following three criteria must be satisfied. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all the claim limitations. Here, in this case, none of the cited references teach or suggest all of the claim limitations with particular emphasis on the limitations "*a modified polyphenylene ether-based resin foam sheet having an open cell ratio of 50% or more as a whole*", "*wherein the modified polyphenylene ether-based resin foam sheet comprises (1) a foamed layer and (2) pore portions formed in a single face of said foam sheet so as to be open in said face*", "*wherein the foam layer comprises an open cell layer having an open cell ratio of 70% or more*",

and "*wherein the pore portions are specifically shaped and have a depth to induce the vibration energy of sounds into the open cells of the open cell layer of the foam sheet*".

The Examiner has argued that the "*pore portions*" of the present claims are equivalent to the perforations disclosed in the cited references. However, Applicants do not agree with the Examiner's conclusions in this regard especially since the perforations of the cited references are not designed to absorb sound energy. Nevertheless, to clarify the distinctions between the pore portions of the present invention and the perforations disclosed in the cited references (i.e. Bopp et al., Vonken et al., Joppen et al., and WO 02/22723), Applicant has amended the claims to specify that the pore portions of the present invention are specifically shaped and have a depth to induce the vibration energy of sounds into the open cells of the open cell layer of the foam sheet. Further, Applicants have added new claims 20 and 21 which define (1) the depth of the pore portions as being from 10 to 95% of the thickness of the modified polyphenylene ether-based resin foam sheet, and (2) the shape of the pore portions as being one or more shapes selected from the group consisting of a polygon shape, a round shape and an elliptic shape.

Thus, since the claimed pore portions are clearly distinguishable from the perforations taught in the cited references, these rejections can no longer be sustained and should be withdrawn.

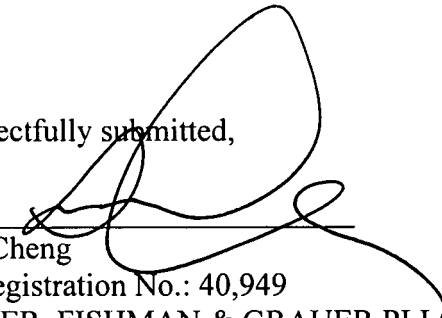
### CONCLUSION

For the foregoing reasons, all of the claims now pending in the present application are believed to be clearly patentable over the outstanding rejections. Accordingly, favorable reconsideration of the claims in light of the above remarks is courteously solicited. If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. YCO-0001 from which the undersigned is authorized to draw.

Dated: August 13, 2007

Respectfully submitted,

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